

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Herman P. Price, et al.,)	
)	
Plaintiffs,)	Case No. 1:09 CV 118
)	
vs.)	Judge Boyco
)	Magistrate Judge McHargh
Lee Lucas, et al,)	
)	
Defendants)	Motion for Summary Judgment of
)	Defendant Charles Metcalf with
)	Memorandum in Support

MOTION

Now comes the defendant, Charles Metcalf, by and through counsel, and moves this court for summary judgment in accordance with *Fed. R. Civ. P. 56*. Defendant Metcalf hereby incorporates by reference the Motions to Dismiss and Motions for Summary Judgment of his Co-defendants, together with all exhibits, as if fully reproduced herein. The reasons and authority for this motion are more fully set forth in the Memorandum in Support attached hereto and incorporated herein by reference.

Respectfully submitted,

/s/ Michael M. Heimlich



was working as a Detective in the Major Crimes Division. (Ex D-Metcalf at p.85). Detective Metcalf was familiar with the plaintiff but knew him as Ronald Davis. (Ex D-Metcalf at p. 85). Detective Metcalf's involvement in the October 25, 2005, buy was primarily on the technical side running recording equipment while assisting with security and surveillance. (Ex D-Metcalf at p. 86). During the October 25 transaction, Jerrell Bray was wearing a recording transmitter and Detective Metcalf was monitoring and recording Bray's conversations. (Ex D-Metcalf at p. 87). Detective Metcalf was conducting surveillance and providing security with Captain Larry Faith while also running the "cobble phone", a listening device that is separate from the transmitter worn by Jerrell Bray. (Ex G-Metcalf at p. 1744). During the course of his surveillance on October 25, 2005, Detective Metcalf observed Jerrell Bray meeting with the plaintiff, Ronald Davis. (Ex E-Metcalf at p. 90).

On November 10, 2005, Herman Price (aka Ronald Davis) was arrested for his involvement in drug trafficking in Mansfield, Ohio. (Ex A-Price at p. 2505). At the time of his arrest, the plaintiff was caught with 2 ounces of crack cocaine, marijuana and four guns. (Ex A-Price at p. 2506).